

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

Edward Herbst, et al.

v.

Civil No. 09-cv-233-JL

L.B.O. Holding, Inc.

**ORDER ON JURY SELECTION**

Jury selection in the above-captioned matter will be conducted under the "struck" method and will include attorney-conducted voir dire. See 28 U.S.C. § 1861 et seq.; Fed. R. Civ. P. 47, 48, 49; L.R. 47.2, 47.3, 48. It will be conducted as follows:

1. **Size of jury:** **Eight jurors (and no alternates)** will be seated. Barring excusal pursuant to Rule 47(c), all jurors shall participate in the verdict. The verdict shall be unanimous and no verdict shall be taken from the jury if its number is reduced to fewer than **six** members unless the parties agree otherwise subject to court approval.
2. **Standard voir dire:** Once the jury venire is seated in the courtroom, the court will briefly describe the case, have counsel introduce themselves and their clients, read the names of potential witnesses, and ask the court's "standard" voir dire questions as may be supplemented upon request of the parties.
3. **Random selection and initial excusals for cause:** As each juror's name is randomly drawn, the juror will be asked whether he or she has any "yes" answers or other responses to the court's general voir dire questions. If the juror indicates "no" the juror will be seated in the jury box by a

Deputy Clerk. If the juror answers "yes," the juror will be asked to approach the bench for examination by the court, counsel (if the court permits), and potential challenge for cause by counsel. If the juror is found qualified (that is, not excused for cause), the juror will be seated in the jury box by a Deputy Clerk. This process will continue until the total number of jurors needed, **in this case, 14 jurors**, is seated in and in front of the jury box.

4. **Peremptory challenges:** After all requests for excusal for cause have been addressed, counsel may then exercise their peremptory challenges against the qualified panel. Each **party** is entitled to **three** peremptory challenges.
5. After the peremptory challenges, the Deputy Clerk will empanel the necessary number of jurors, **in this case, eight**, and will excuse the remainder of the jury venire.

SO ORDERED.

  
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Joseph N. Laplante  
United States District Judge

Dated: April 22, 2011

cc: R. Peter Taylor, Esq.  
Thomas B.S. Quarles, Jr., Esq.